

## **REMARKS**

Claims 1 and 2 are withdrawn as directed to non-elected subject matter. Claims 10, 12 and 13 are currently amended. No new matter is added and support for the amendments can be found throughout the specification and in the original claims. Upon entry of this amendment Claims 3 and 5-13 will be pending.

### **Claim Rejections - U.S.C. § 112, first paragraph**

In the Final Office Action mailed April 11, 2007, the Examiner rejected claims 10-13 under 35 U.S.C. § 112, first paragraph as lacking enablement. The Examiner indicated in the Office Action of July 17, 2006, page 3, that the current specification is considered enabling for a composition comprising SEQ ID NO: 10 for reducing cancer. Cancer is one example of a hyperproliferative disorder. Therefore, applicants submit that the current specification is also sufficiently enabled for reducing hyperproliferative disorders.

However, the Examiner asserts that the term “vaccine” carries an implied preventative capacity for the treatment of diseases such as cancer. In an effort to further prosecution, Claims 11, 12 and 13 have been amended to remove the term “vaccine.” For at least the foregoing reasons, applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

### **Claim Rejections - 35 U.S.C. § 102(b)**

In the Final Office Action mailed April 11, 2007, the Examiner rejected claims 3 and 5-13 under 35 U.S.C. § 102(b) as anticipate by Holaday et al. (WO/00/53219). Applicants respectfully submit that Holladay et al. is not a valid 35 U.S.C. § 102(b) reference.

The sequence of SEQ ID NO:10 is a 44 amino acid fragment of the heparin binding domain of FGF. The sequence of SEQ ID NO: 10 is the result of a single amino acid deletion of SEQ ID NO: 1. Support for conservatively modified variations of SEQ ID NO: 1, including single amino acid deletions, are supported in U.S. Patent No. 6,805,865 (columns 10-11, lines 64-2), to which the current application claims priority. The current application and Holaday et al. share a common priority date. Therefore, Holaday et al. is not a valid reference under 35

U.S.C. § 102(b). For at least the foregoing, applicants respectfully request withdrawal of the rejection.

### **CONCLUSION**

The foregoing is submitted as a full and complete response to the Final Office Action mailed April 11, 2007, and early and favorable consideration of the claims is requested. If the Examiner believes any informalities remain in the application that may be corrected by Examiner's amendment, or there are any other issues which can be resolved by telephone interview, a telephone call to the undersigned agent at (404) 572-2447 is respectfully solicited. No additional fees are believed due; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,

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F. Brent Nix  
Reg. No. 59,004

KING & SPALDING LLP  
1180 Peachtree Street, N.E.  
Atlanta, Georgia 30309-3521  
Telephone (404) 572-4600  
Facsimile (404) 572-5134